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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,143	11/29/2000	Shinichirou Araki	400951	8281
23548	7590	07/13/2005	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,143

Applicant(s)

ARAKI ET AL

Examiner

Steven P. Sax

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4 and 5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/17/05.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This application has been examined. The remarks filed 4/19/05 have been entered.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-2, 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Beckmann et al (6606559).

4. Regarding claim 1, Beckmann et al show a physical position navigation device for producing physical position navigation services and displaying a navigation image (Abstract, Figure 4, column 7 lines 1-14), including: application means for performing physical position navigation services based on information from an external unit (Figure 3, column 3 lines 50-60, column 4 lines 1-20), application control means for controlling application according to an internal state of the navigation device (column 3 lines 60-67,

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column 4 lines 19-40 and 55-65, column 7 lines 15-43), screen control means for controlling display of the navigation image according to an instruction from the application means (column 7 lines 1-15, column 10 lines 31-65), and display means to display the navigation image according to the instruction (column 12 lines 5-27). The instruction is transferred between the screen control means and the application control means via a function call (column 10 lines 35-60), then to the application means via a function call (column 11 lines 1-30), and then to the screen control and then display via an event queue (column 11 lines 2-20 and 50-65).

5. Regarding claim 2, the external unit is via a network (such as GPS column 6 lines 30-40).

6. Claims 4 and 5 show the same features as claims 1-2 respectively and are rejected for the same reasons.

7. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant's remarks focus on the function call and event queue features of the claims. Note that applicant mentions in page 1 line 27 of the remarks, that "one of ordinary skill in the art will recognize that the term 'function call' has a meaning specific to the field of computer programming and application development." Examiner has enclosed as supporting evidence an excerpt from a computer dictionary for the term 'function call.' A function call, as defined in the art, is a "program's request for the

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services of a particular function... The function itself can be a part of the program... or be part of the operating system." Note that applicant's specification does not diverge from this meaning in the art. Note further that this is in fact what Beckmann et al show in the aforecited passages. In particular, column 10 lines 35-60 do indeed show that the screen control means transfers an instruction to the application control means via the screen control program's request for the services of the application control means to perform the instruction. The function itself qualifies as being part of the program, or at least may be a function of the operating system. Furthermore, this procedure is shown as well in column 11 lines 1-30, in that a program is requesting the services to be performed.

Finally, an event queue, even if the exact term is not used, is still shown in Beckmann et al as well, such as in column 11 lines 2-20 or 50-65 for example. Note again the computer dictionary excerpt that a queue is "a multi-element data structure... There are also several types of queues in which removal is based on factors other than order of insertion – for example, some priority value assigned to each element." Note that the events in column 11 lines 50-65 are for example in a multi-element data structure in which removal of the message or indication is by an attention requiring value. Beckmann et al show the physical position navigation device as claimed. Applicant is invited to contact Examiner to discuss claim interpretation.

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEVEN MAX
PRIMARY EXAMINER

